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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,750	06/22/2000	Norman D. Geddes	ASI0004-US	8625

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EXAMINER

HIRL, JOSEPH P

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 06/24/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/598,750

Applicant(s)

GEDDES ET AL.

Examiner

Joseph P. Hirl

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 18-20 and 22-27 is/are rejected.
- 7) ☒ Claim(s) 9-17 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-27 are pending in this application.
2. The claims and only the claims form the metes and bounds of the invention. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Drawings

3. The drawings are objected to because of the following:
Figs. 1, 3, 4 and 5 have font size and/or settings that render sections of the figures unreadable.
These objections must be corrected.

Claim Objections

4. Claims 9-17 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim, any intervening claims and all other related issues of this office action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 5-8, 26 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 5

The “non-monotonic model of economic benefit “ is not enabled by the specification.

Claim 6

The “commitment level of the partial order planner” is not enabled by the specification.

Claim 7

The “life cycle states of one or more plan instances according to a commitment level of the partial order planner” is not enabled by the specification.

Claim 8

The “ inference engine determines what further processing is needed by the partial order planner based on the monitoring of the situation” is not enabled by the specification.

Claim 26

The claim as stated is not to be found in the specification.

Claim 27

The "shared data to automatically detect conflicts" is not enabled by the specification.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-23 rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The practical application test requires that a useful, concrete and tangible result be accomplished. Claims 18-23 represent abstract methodology and therefore are intangible. The consequence it that utility is lacking.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

9. Claims 1-4, 18-20 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Amado (U. S. Patent 5,701,400, referred to as **Amado**).

Claims 1, 24

Amado anticipates a knowledge base including expert knowledge about one or more business process domains (**Amado**, col 2, lines 52-65); an inference engine coupled to the knowledge base, the inference engine including a partial order planner (**Amado**, col 2, lines 52-65; col 31, lines 58-67; Examiner's Note (EN): from the specification, page 19, lines 18-21, a planner merely solves what is normally referred to as an NP type problem; from specification, page 20, lines 1-9, a partial order planner determines a less than optimal solution or what may be referred to as a local optimum; using para 2 above, a generalized expert system is equivalent to a partial order or least commitment planner); a management system that collects and distributes data regarding one or more business processes and determines one or more goals (**Amado**, col 48, lines 54-57; Fig. 127); and a graphical user interface system that displays information regarding the one or more business processes (**Amado**, Fig. 40); wherein the inference engine uses the partial order planner to determine a plan for achieving at least one of the one or more goals (**Amado**, col 10, lines 14-34).

Claims 2, 22

Amado anticipates the knowledge base includes one or more plan-goal graphs (**Amado**, col 4, lines 56-65; col 5, lines 7-31; EN: graphics for multilevel problem representation are equivalent).

Claims 3, 23, 25

Amado anticipates the knowledge base includes one or more concept graphs (**Amado**, col 4, lines 56-65; col 5, lines 7-31; EN: graphics for multilevel problem representation are equivalent).

Claim 4

Amado anticipates the inference engine creates one or more plan instances (**Amado**, col 3, lines 13-18).

Claim 18

Amado anticipates determining a goal for a user of the business process management system (**Amado**, col 4, lines 33-34); and using a knowledge base to create a plan for meeting the determined goal (**Amado**, col 4, lines 13-18). EN: This claim is grossly general and fails to convey the intent of the invention.

Claim 19

Amado anticipates wherein the act of determining a goal and creating a plan for meeting the goal is performed using a partial order planner (**Amado**, col 3, lines 13-18; EN: comments related to partial order planner of Claim 1 applies).

Art Unit: 2121

Claim 20

Amado anticipates the partial order planner is a least commitment planner (**Amado**, col 3, lines 13-18; EN: comments related to partial order planner of Claim 1 applies).

Conclusion

10. Claims 9-17 and 21 are objected to. Claims 1-8, 18-20 and 22-27 are rejected.

Correspondence Information

Any inquiry concerning this information or related to the subject disclosure

should be directed to the Examiner, Joseph P. Hirl, whose telephone number is

(703) 305-1668. The Examiner can be reached on Monday – Thursday from

6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Follansbee can be reached at (703) 305-8498.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7240 (for informal or draft communications with notation of
"Proposed" or "Draft").

Hand-delivered responses should be brought to:

Receptionist, Crystal Park II

2121 Crystal Drive,

Arlington, Virginia.

Joseph P. Hirl



June 17, 2003

Wilbert L. Starks, Jr.
Primary Examiner
Art Unit - 2121

